

FILED BY JG D.C.

05 NOV 30 AM 11:00

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

CROSS GATE SERVICES, INC.

Defendant.

CIVIL ACTION NO.  
2:04cv2644-B/And

**CONSENT DECREE**

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against the Defendant, Cross Gate Services, Inc. (hereinafter "Defendant), to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Title VII), and the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and to remedy unlawful practices alleged in the Complaint filed in this action.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action. This Decree shall not be admissible in any other civil actions other than actions arising out of the rights and obligations of the parties under this Decree.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations and the statements of counsel for all parties and hereby approves the Consent Decree.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 11-30-05

(12)

**NOW, THEREFORE**, the Court being fully advised in the premises, it is hereby  
**ORDERED, ADJUDGED AND DECREED:**

**I. JURISDICTION**

The United States District Court for the Western District of Tennessee, Western Division, has jurisdiction over the parties and subject matter of this litigation.

**II. SCOPE AND DURATION OF DECREE**

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 250-2003-00378 filed by Charging Party Christine Malone and Charge No. 250-2003-00420 filed by Glynda Copeland with the Commission. Notwithstanding any provisions contained in this Decree, this Agreement shall not be considered in any manner to be dispositive of any charges now pending before any office of the Commission other than Charge Nos. 250-2003-00378 and 250-2003-00420.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of three years from the date of the entry of this Decree, with the exception of Section VI E (neutral reference) which shall be in effect permanently.

**III. NON-DISCRIMINATION PROVISION**

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee because the employee exercised her federally protected rights to complain about discriminatory practices in the workplace. Defendant will refrain from permitting its employees to be subjected to a sexually hostile work

environment.

B. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from discharging or otherwise depriving employees of equal employment opportunities in retaliation for the employees opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

C. Defendant agrees to train its non-management employees, supervisors, and managers in the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of sexual harassment and retaliation. This training session will be conducted within sixty (60) days of the entry of this Decree. A list of the employees that attend the training session, a copy of the syllabus, and a copy of the training materials will be provided to EEOC within thirty (30) days of the training session.

D. Defendant will provide a copy of its sexual harassment policy to all of its employees within thirty (30) days of the entry of this Decree.

#### **IV. NON-RETALIATION PROVISION**

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall not take any retaliatory measure against Christine Malone or Glynda Copeland or any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the EEOC, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing under Title VII of the Civil Rights Act of 1964, as amended.

## **V. NOTICE**

Defendant shall conspicuously post the notice (poster) required to be posted by Title VII of the Civil Rights Act of 1964, as amended. Furthermore, Defendant shall conspicuously post the notice at Appendix A of this Decree for a one year period commencing within ten (10) days after entry of this Decree by the Court.

## **VI. REPORTING**

In addition to the report required by Paragraph III.C., Defendant will provide three reports to the EEOC. The first report will be submitted at twelve (12) months from the entry of the Decree. The second report will be submitted within twenty three (23) months from the entry of the Decree. The third and final report will be submitted within thirty five (35) months from the entry of the decree.

Each report will describe any complaints of alleged sexual harassment or retaliation received by Respondent. The report will include a description of the investigation conducted by the Defendant in response to each complaint and indicate how the complaint was resolved.

Each report will also describe Defendant's efforts at training and orientation of newly hired supervisors, managers, and hourly employees in the requirements of Title VII.

## **VII. INDIVIDUAL RELIEF**

A. Defendant agrees to expunge the personnel records of Christine Malone and Glynda Copeland of any potentially unfavorable or adverse personnel comments regarding any aspect of her employment with Defendant. Defendant shall expunge from these employment records any reference to the litigation of the matter.

B. Defendant shall deliver a cashier's check or business check to each of the

following persons in the following amounts:

1. One check payable to "Christine Malone" in the amount of \$22,500 at the following address.

James M. Gulley  
Cordts & Gulley, PLLC  
6263 Poplar Ave., Ste. 1132  
Memphis, TN 38119

2. One check payable to "Glynda Copeland" in the amount of \$22,500 at the following address.

Glynda Copeland  
182 Hillview, Apt. 4  
Memphis, TN 38109

The checks should be mailed to the above referenced addresses within thirty (30) days after entry of this Decree by the Court.

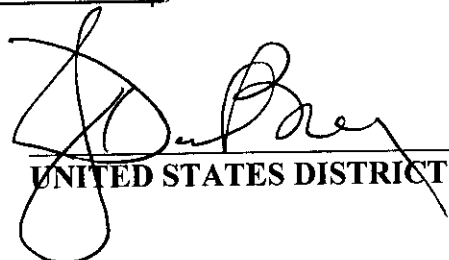
C. Defendant shall forward a copy of the check(s) to William A. Cash, Jr. at the EEOC Office in Little Rock, Arkansas.

D. Defendant agrees to give a neutral reference to any potential employers of Christine Malone and Glynda Copeland who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix B. No mention of the charges of discrimination filed by Christine Malone and Glynda Copeland or this lawsuit will be made as part of the neutral reference.

**VIII. COSTS**

Plaintiff EEOC and Defendant shall bear their own costs, including attorneys' fees.

SO ORDERED THIS 29<sup>th</sup> DAY OF November, 2005.

  
UNITED STATES DISTRICT JUDGE


**COUNSEL FOR PLAINTIFF**

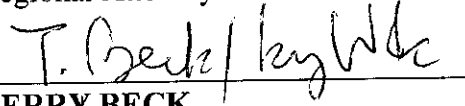
**JAMES LEE**

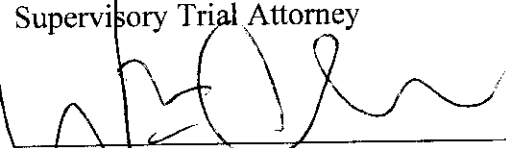
Deputy General Counsel

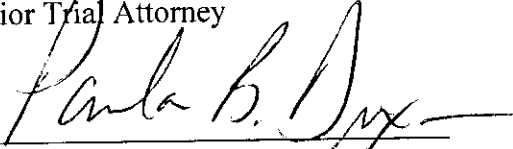
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Associate General Counsel

  
**KATHARINE W. KORES**  
Regional Attorney

  
**TERRY BECK**  
Supervisory Trial Attorney

  
**WILLIAM A. CASH, JR.**  
Senior Trial Attorney

  
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**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

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1600 Division Street, Ste. 700  
Nashville, TN 37203  
Telephone: (615)244-2582

**APPENDIX A**

**NOTICE**



**NOTICE**

1. Cross Gate Services, Inc. has agreed as part of a settlement with the EEOC to post this notice for one year to reinforce the company's policies concerning Title VII.
2. Federal law prohibits an employer from taking retaliatory action against any employee for opposing sexual harassment, sex discrimination, or any other practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.
3. Cross Gate Services, Inc. supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by reporting sexual harassment to Cross Gate Services, Inc.
4. Cross Gate Services, Inc will not take any action against employees who exercise their rights by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding, hearing, or litigation under Title VII of the Civil Rights Act of 1964, as amended.

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**DATE**

**APPENDIX B**

**NEUTRAL REFERENCE**

Dear \_\_\_\_\_,

This letter is in reference to your request for information regarding the employment of \_\_\_\_\_.

Ms. \_\_\_\_\_ worked at Cross Gate Services, Inc from \_\_\_\_\_ through \_\_\_\_\_. Company policy does not permit us to give out any more information concerning Ms. \_\_\_\_\_ employment.

I am sure Ms. \_\_\_\_\_ can provide you with the details concerning her tenure at Cross Gate Services, Inc. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

Cross Gate Services, Inc.



## Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:04-CV-02644 was distributed by fax, mail, or direct printing on November 30, 2005 to the parties listed.

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Terry L. Beck  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1407 Union Avenue  
Ste. 621  
Memphis, TN 38104

Katharine W. Kores  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
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Luther Wright  
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1600 Division Street  
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Pamela B. Dixon  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
820 Louisiana  
Ste. 200  
Little Rock, AR 72201

William A. Cash  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
820 Louisiana  
Ste. 200  
Little Rock, AR 72201

Honorable J. Breen  
US DISTRICT COURT